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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO.       |
|---|-------------|----------------------|--------------------------------|------------------------|
| 10/772,796  | 02/04/2004  | Brian M. Blount      | 6305-67417-01                  | 5238                   |
| 24197. 7590 08/28/2008<br>KLARQUIST SPARKMAN, LLP<br>121 SW SALMON STREET<br>SUITE 1600<br>PORTLAND, OR 97204 |             |                      | EXAMINER<br>GILBERT, WILLIAM V |                        |
|   |             |                      | ART UNIT<br>3635               | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>08/28/2008        | DELIVERY MODE<br>PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/772796          | 02/04/04            | Brian Blount          | 6305-67417-01          |

CONFIRMATION NO.

5238

KLARQUIST SPARKMAN, LLP  
121 SW SALMON STREET  
SUITE 1600  
PORTLAND OR 97204

Date Mailed: August 28, 2008

NOTICE OF IMPROPER LETTER OF EXPRESS ABANDONMENT

The letter of express abandonment under 37 CFR 1.138 dated August 08, 2008, is improper for reason(s) indicated below:

- ☒ 1. The letter of express abandonment was not signed by a party authorized under 37 CFR 1.33(b)(1), (b)(3), or (b)(4). A registered practitioner, not of record, who acts in a representative capacity under 37 CFR 1.34 when filing a continuing application, may only expressly abandon the prior application as of the filing date granted to the continuing application. See 37 CFR 1.138(b).
- ☐ 2. The letter of express abandonment was not filed prior to the payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing a petition under 37 CFR 1.313 to withdraw this application from issue.
- ☐ 3. The letter of express abandonment was not filed prior to the issuance of the patent.
- ☐ 4. The letter of express abandonment was not filed prior to the abandonment of the application. A notice of abandonment was mailed to the applicant on \_\_\_\_\_.

Inquiries regarding this communication should be directed to the Office of Data Management at (571) 272-4200.

*Betty Powell*

Patent Publication Branch  
Office of Data Management